

**REMARKS**

By this Amendment, the specification is amended, claims 1, 15 and 16 are amended and claim 17-19 are added. Accordingly claims 1-19 are pending in this application. No new matter is added.

The courtesies extended to Applicant's representative by Examiner Pham at the interview held January 25, 2005, are appreciated. Applicants gratefully acknowledge the indication in the Interview Summary, that claims 18 contain allowable subject matter, and would be allowable if claim 18 were rewritten in independent form.

The Office Action objects to the disclosure for failing to provide up-to-date status of the related application. The objection is obviated by the amendment to the specification. Accordingly, withdrawal of the objection to the disclosure is respectfully requested.

The Office Action rejects claims 1-3, 8-9 and 11-16 under 35 U.S.C. §102(e) over U.S. Patent No. 6,636,972, to Ptacek (hereafter "Ptacek"). This rejection is respectfully traversed.

Independent claims 1, 15 and 16, as amended, recite a method, an article of manufacture and a system, respectively, wherein "the evaluation success result of the first sub-statement and the evaluation success result of the second-sub-statement belong to a first type in a set of types and the distinguished value belongs to a second type not in the set of types." Applicants respectfully submit that Ptacek fails to disclose, teach or suggest the evaluation of a success result and the evaluation of a distinguished value as recited in claims 1, 15 and 16.

What Ptacek does disclose, are Boolean expressions, and in particular, Boolean "operators", at col. 12, lines 30-55, in which the value "0" is equivalent to "false" and any nonzero value is equivalent to "true". This is equivalent to "mapping" and is not an evaluation of a sub-statement that produces a success result when the operation succeeds, or a

distinguished value, when the operation fails, as recited in claims 1, 15 and 16. Accordingly, withdrawal of this rejection is respectfully requested. Claims 2-3, 8-9 and 11-14 are allowable at least in view of the patentability of claims 1, 15 and 16 from which they depend, as well as for the additional features they recite.

Notwithstanding the allowability of claim 9 due to its dependence on claim 1, Applicants submit that nowhere does Ptacek disclose, teach or suggest a method whereby a sub-statement has a rule statement, let alone a rule statement having either a first or second argument, where the evaluation of the first rule triggers the evaluation of the second argument, as recited in claim 9. As previously discussed, Ptacek discloses, Boolean "operators" which are evaluated left-to-right and are distinct from the "sub expression" upon which the operators operate. Therefore, in addition to Ptacek failing to disclose, teach or suggest all recited elements of the independent claim 1 from which it depends, Applicants respectfully submit that Ptacek fails to disclose, teach or suggest all the additional features recited in claim 9. Accordingly, withdrawal of the rejection of claim 9 is respectfully requested.

Similarly, the Office Action asserts that Ptacek discloses an unordered action system as recited in claim 11. The Applicants respectfully disagree.

What Ptacek does disclose, at col. 9, lines 58-61, are conditionals that dynamically "determine the order of statement execution." Furthermore, Ptacek at col. 10, lines 33-45, discloses a "collection of statements" that can stand on its own. Therefore, the method of Ptacek is based upon an ordering of statements, not a method wherein at least one of the first or second sub-statements includes an unordered action system as recited in claim 11.

Additionally, the cited reference in Ptacek pertains to a collection of statements, and is not pertaining to at least one of a first or second sub-statement as recited in claim 11.

Accordingly, withdrawal of the rejection is respectfully requested, not only for the

patentability of the independent claim from which it depends, but for the failure of Ptacek to disclose, teach or suggest all the additional features recited in claim 11.

The Office Action rejects claims 4-5, 6-7 and 10 under 35 U.S.C. §103(a) over Ptacek in view of U.S. Patent No. 5,276,854 to Court et al. (hereafter "Court"), U.S. Patent No. 5,613, 117 to Davidson et al. (hereafter "Davidson") or a web page entitled "Dave Dyer - Java decompilers compared" (hereafter "Java"). These rejection are respectfully traversed.

Applicants submit that claims 4-5 and 10 are patentable for reasons in addition to their depending from a patentable independent claim.

Regarding claims 4 and 5, the Office Action acknowledges that Ptacek fails to disclose concurrent evaluation of the first and second sub-statement. The Office Action asserts that Court remedies this deficiency by disclosing a method of evaluating the first and second sub-statements. The Office Action further asserts that it would be obvious to combine the teachings of Court and Ptacek for the purpose of reducing execution time. The Applicants respectfully disagree.

Court is directed to the purpose of software simulation of multiple CPU computer systems, the method comprises the design of program statements having variables typed as integers and corresponding to a digital word having as many bits as the number of CPUs. Although the disclosure by Court, at col. 3 lines 41-70, provides a method for packing program variables with data from multiple CPU's wherein the variables can be used in program steps to simultaneously evaluate the Boolean logic for a plurality of CPUs, the method itself does not involve concurrent evaluation of a first and second sub-statement. In fact, nowhere does Court disclose, teach or suggest concurrent evaluation of a first and second sub-statement as recited by the Applicants. Therefore, Applicants respectfully submit that the applied art fails to disclose concurrent evaluation of a first and second substatement as recited in claims 4 and 5.

Furthermore, in addition to the lack of explicit or implicit disclosure of all claimed functions in the combined disclosure of Ptacek and Court, Applicants respectfully submit that the combination or modification of references cannot render the resultant combination obvious unless the prior art also suggests the desirability of the combination. Applicants respectfully submit that the combination of Ptacek and Court is improper, and in addition, lacking disclosure of concurrent evaluation of a first and second substatement, the combination appears to be based upon impermissible hindsight reasoning.

Therefore, it is respectfully submitted that the Office Action, having failed to state a proper motivation for the alleged combination of references, fails to establish a prima facie case of obviousness.

Accordingly, withdrawal of the rejection of claims 4 and 5 is respectfully requested, based upon: the improper combination of the applied art; the failure of the applied art to disclose, teach or suggest all features in the recited claims; and the patentability of the independent claim from which claims 4 and 5 depend.

Similarly, the Office Action rejects claim 10 under 35 U.S.C. §103(a) over Ptacek further in view of a webpage entitled "Dave Dyer - Java decompilers compared" (hereafter "Java"). The Office Action asserts that Java remedies the deficiencies of Ptacek by disclosing a programming language statement with at least one of the first or second sub-statements including an ordered action system. Applicants respectfully disagree.

Applicants respectfully submit that Java does not disclose, teach or suggest a programming language statement with at least one of the first or second sub-statements including "an ordered action system" as recited in claim 10.

What Java does disclose, at page 9, under DejaVu's reconstruction, is a series of programming statements that dynamically changes the order of the actions to be tried. Thus, Applicants respectfully submit that the ordered action system disclosed by Java does not

disclose, teach or suggest a programming language statement with at least one of the first or second sub-statements including "an ordered action system" recited in claim 10.

Accordingly, withdrawal of the rejection of claim 10 under 35 U.S.C. §103(a) is respectfully requested, based upon the failure of the applied art to disclose, teach or suggest all features in the recited claim 10, in addition to depending from a patentable base claim.

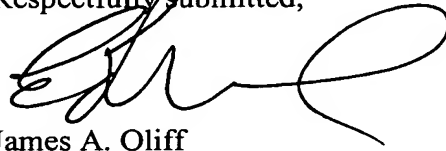
New claims 17-18 depend from independent claim 1 and Applicants submit that claims 17 and 18 are likewise patentable over the applied art at least for their dependence on an allowable base claim, as well as for any additional features they recite.

New dependent claim 19 is directed towards evaluation of at least one the first sub-statement and the second sub-statement utilizing a pattern matching operation and is patentable at least in view of depending from a patentable base claim as well as for the additional features it recites.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-19 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff  
Registration No. 27,075

Eliot R. Malamud  
Registration No. 51,989

JAO:ERM/aaw

Date: January 26, 2005

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

**DEPOSIT ACCOUNT USE  
AUTHORIZATION**

Please grant any extension  
necessary for entry;  
Charge any fee due to our  
Deposit Account No. 24-0037